

**Amended PDQ**

27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

No. I have applied but was not screened out for Circuit Court At-Large Seat 15 in 2013, Seat 9 in 2014 and Seat 10 in 2015.

Signed: \_\_\_\_\_

A large, stylized handwritten signature in black ink, appearing to read "Ben Clayman".

Date: \_\_\_\_\_

10.31.16

**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court, At-Large, Seat 1

1. Name: The Honorable Bentley Price

Are you currently serving in some capacity as a judge? Yes  
Chief Municipal Judge City of Folly Beach

Home Address: [REDACTED]

Business Address: 78 Ashley Pointe Dr., Suite 103, Charleston S.C. 29407

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]  
(office): 843-532-4516

2. Date of Birth: [REDACTED] 1976  
Place of Birth: San Diego, California  
Social Security Number: [REDACTED]

3. Are you a citizen of South Carolina? Yes  
Have you been a resident of this state for at least the immediate past five years? Yes

4. SCDL# or SCHD#: [REDACTED]  
Voter Registration Number: [REDACTED]

5. Family Status: Married on October 24, 2009 to Melissa Price  
Never divorced, two children Addison Bentley Price, 3yrs 8 months and Brooks Alexander Price, 1 year 10 months.

6. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number, present status, and the character of your discharge or release.  
No

7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.  
(a) Wofford College 1995-1999 Bachelor of Arts  
(b) Stetson University College of Law 2000-2002 Juris Doctor

8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of

law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

South Carolina 2002

9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.

(a) Four Year Soccer Letterman, Wofford College, 1995-1999

(b) Sigma Nu Social Chairman, Wofford College, 1995-1999

(c) Certificate of Advocacy and Pro Bono, Stetson University College of Law, 2002

10. Describe your continuing legal or judicial education during the past five years.

Conference/CLE Name

Date(s)

(a) SCJA Judicial Conference

09/09/09

(b) Nuts and Bolts of DUI Prosecution

06/16/10

(c) SCJA Judicial Conference

09/08/10

(d) SC Bar Sporting Clays

04/14/11

(e) SCJA Judicial Conference

09/07/11

(f) SC Bar Sporting Clays

10/13/11

(g) SC Bar Sporting Clays

04/12/12

(h) SCJA Judicial Conference

09/05/12

(i) SC Bar Sporting Clays

10/18/12

(j) SC Bar Sporting Clays

04/25/13

(k) SCJA Judicial Conference

09/04/13

(l) Ethics in 18 Holes

04/22/14

(m) SCJA Judicial Conference

09/03/14

(n) Tips from Bench and Bar

02/26/15

(o) Anatomy of a Trial

05/22/15

(p) SCJA Judicial Conference

09/09/15

(q) Birdies Bogies and Pars  
04/22/16

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.

(a) I have lectured at the College of Charleston on the topic of the legal and judicial field and alternative professions that relate to a legal degree.

(b) I have lectured at the Charleston School of Law on the topic of the stresses of being a judge and criminal defense attorney.

(c) I have lectured at The Citadel's graduate school on the topic of "How the Solicitor's Office really works."

12. List all published books and articles you have written and give citations and the dates of publication for each.

None

13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) South Carolina, 2002;
  - (b) U.S. District Courts, 2004;
  - (c) U.S. Court of Appeals for the Fourth Circuit, 2012
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- (a) Assistant Solicitor, Ninth Judicial Circuit 2002-2004. I prosecuted major violent crimes, white collar crimes, misdemeanors and drug crimes. I was also the liaison to U.S. Attorney's Office for gun related crimes.
  - (b) Query, Sautter, Price and Forsythe, 2004-2013. The firm is a general practice firm that handles complex criminal and civil cases with an entire sector also dedicated to domestic cases. I was the partner that oversaw the criminal and civil sector of the practice focusing on state court, federal court and magistrate courts. I worked hand in hand with the partners on all civil matters and we emphasized plaintiff's work in personal injury and both plaintiff and defense work in business litigation.
  - (c) Bentley Price Law Firm, LLC, 2013-Present. I am a solo practitioner continuing to handle all criminal matters and have continued in personal injury cases on the plaintiff's side only.
15. Please answer the following (if you are a judge and are not seeking a different type of judgeship, this question is inapplicable):
- (b) I began my criminal practice as an assistant solicitor from a federal grant titled "The Cease Fire Task Force." The task force was established to prosecute gun related cases more diligently and to allow for better communication between the state and federal levels. I met with United States Attorney's office regularly to assess cases that were currently being prosecuted on the state level and determine if there were stiffer penalties if the Federal government were to adopt the cases. This experience allowed me to handle gun related violent crimes and I prosecuted murders, arm robbery, major drug cases as well as criminal sexual conduct. I handled hundreds of guilty pleas and tried countless jury trials to verdict during my employment at the Solicitor's Office. In my current practice, I have defended all levels of magistrate, state, and federal court crimes. My civil practice has been comprised of mostly plaintiff's work but I do represent several large businesses in contract disputes. I have handled cases from the pleading stage to motions to trials. I have successfully participated in mediation and arbitration of cases on both the defense and plaintiff's side.
- In 2007, I was appointed Associate Municipal Court Judge for the City of Folly Beach. In March of 2012, I became the Chief Municipal Court Judge.
- Since that time I have disposed of over ten-thousand (10,000) cases for the City of Folly Beach either by accepting of pleas, trials either bench or jury or allowing litigants to participate in alternative programs. My duties also require me to sign arrest warrants and

search warrants when requested by the police department. I work hand in hand with the defense attorneys, prosecutor and clerk to run our court smoothly and efficiently.

I enjoy the challenges of crafting sentences, orders, and other dispositive actions in a fair and judicious manner. My time on the bench has served me well and taught me the humility required to maintain such a position.

16. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

None

\* **Retired justices/judges and justices/judges applying for reelection to their current position may omit Questions 17-22. If a candidate is seeking a judgeship different than his or her current position, Questions 17-22 should be answered based on experience prior to serving on the bench.**

17. What was the frequency of your court appearances during the past five years?

(a) federal: monthly

(b) state: weekly

18. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?

(a) civil: 25%

(b) criminal: 75 %

(c) domestic: 0

(d) other: 0

19. What percentage of your practice in trial court during the past five years involved matters that went to a jury, including those that settled prior to trial?

(a) jury: 99 %

(b) non-jury: 1%

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?

Solo counsel

20. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

(a) State v. Antoine Goodwin – In this trial in Charleston County Court of General Sessions, I was an assistant solicitor prosecuting Mr. Goodwin for murder. This case had a number of unique aspects. The case involved eye-witness testimony that Mr. Goodwin was the shooter and we had a jury viewing at the scene of the crime to determine the angle of the witnesses' view. We were also successful in subpoenaing federal grand jury records in which the crime was discussed. There was a contempt hearing at trial and a witness changed his testimony mid-trial thus allowing us to have him declared a hostile witness and use his testimony to our advantage. Mr. Goodwin was found guilty and sentenced to life in prison.

(b) State v. Jabez Batiste – The Charleston County Court of General Sessions appointed our managing partner, who had no criminal trial experience, to represent Mr. Batiste, who was charged with two counts of murder. My partner asked me to participate as lead counsel at trial while he sat second chair. At trial, I was able to get the lead detective to admit that law enforcement felt that the co-defendant was the shooter and therefore the most culpable. The State was then forced to proceed under the theory that the hand of one is the hand of all and obtained convictions.

(c) State v. Donal Bryant – In this case I was retained by Mr. Bryant to defend him on his charge of Criminal Domestic Violence of a High and Aggravated Nature alleged by his Russian born wife. Mr. Bryant was seeking a divorce at the time the charges were filed and maintained his innocence throughout my representation. He always maintained his position that the alleged injuries were self inflicted. Upon continued research in preparation for trial it became evident that the victim's motive for maintaining her allegations was that she could circumvent the marriage requirement imposed by immigration laws. The trial was riddled with complicated legal issues involving admissibility of evidence and witnesses. The trial went to the jury and Mr. Bryant was convicted of Simple Assault and sentenced to time served.

(d) Knowles v. Crawford – In this civil case Mr. Crawford shot Mr. Knowles in the abdomen from his boat and later utilized the Castle Doctrine as a defense to criminal liability. The Solicitor's Office reviewed SLED's finding and refused to prosecute. I brought a civil action for negligence under the theory that Mr. Crawford maintained throughout the case that it was an accident and that he was attempting to un-cock the hammer when it discharged. Since the shooter claimed the shooting was accidental, the civil defense section of the Castle Doctrine statute was inapplicable. Therefore we were able to bring a suit for negligence and were successful.

(e) United States of America v. Wendy Moore - This was a federal trial where the U.S. Attorney's Office was alleging that my client, Wendy Moore, had contracted with her ex-husband to have her boyfriend's soon to be ex-wife murdered. The allegations were that Ms. Moore contacted her ex-husband, who is a convicted murder/arsonist, and asked him to travel to Charleston to kill Nancy Cannon. He agreed and brought an accomplice but when they arrived in Charleston and received five thousand dollars they wired the money home and became paranoid that their girl friends would spend the money so they immediately traveled back to their home state of Kentucky. The accomplice then returned to Charleston to commit the murder but was subsequently arrested on drug charges and attempted to get immunity by confessing to the murder-for-hire. The two-week trial was riddled with complex legal issues and factual posturing. Ms. Moore was convicted on all counts and is awaiting sentencing.

21. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.  
None
22. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.  
None

23. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

Yes. I am currently the Chief Municipal Court Judge for the City of Folly Beach and have been employed in this capacity since 2007. Jurisdiction does not extend beyond the City of Folly Beach. The court is limited to handling cases in which the penalty does not exceed ninety days incarceration and/or a \$500 fine. I was appointed by the Mayor and approved by city counsel.

24. If the answer to question 23 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.

None

25. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.

None

26. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.

(a) Query, Sautter, Price and Forsythe 2004-2013, full time. Was a partner that oversaw the criminal sector of the firm and managed the staff including the attorneys and law clerks.

(b) Bentley Price Law Firm, 2013 to Present. Full Time

27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

No. I have applied but was not screened out for Circuit Court At-Large Seat 15, Seat 9 and Seat 10.

28. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

None

29. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

None

30. Provide, as a separate attachment, a complete, current financial net worth statement that itemizes in detail:  
"see attached"

**NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.**

31. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.

None

32. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations for which a fine of \$125 or less was imposed.

I was arrested at the age of twenty-one in Horry County on suspicion of driving under the influence. I was not under the influence. I retained an attorney who attended court on my behalf and the charge was dismissed without a plea to a lesser-included charge. I later had my arrest record expunged.

I was home on Christmas break from college in 1997 and I was issued a citation when I was in a boat with a friend that was cited for hunting after sunset. He shot a duck after the prescribed time. I paid the fine and returned to college.

This was addressed in my former screenings.

33. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

No

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details.

No

35. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? If so, give details, including, but not limited to, dates and resolution. Yes

1. I was named in mortgage foreclosure complaint. I was a former partner with Query, Sautter and Forsythe and was a member of an LLC that owned the building the practice currently rents from. When I began my own practice in 2013 I signed a Dissolution of Partnership for the LLC that owned the units. The partners filed the dissolution but failed to refinance the loan removing me as a member. In May of 2016 the bank filed a mortgage foreclosure action naming me personally. My former law practice answered on our behalf. The partners paid off the loan and the action was **dismissed** on July 25, 2016.



2. There was a judgment filed in Charleston and Colleton Counties on behalf of my law firm. A fee dispute was filed with South Carolina Bar Resolution of Fee Disputes Board against my former practice. The Board investigated the complaint and found in favor of the firm. A judgment was issued in the amount of \$24,380.71 and subsequently filed in both counties. I was the attorney of record and judgment was therefore placed in my name. I have since filed an Assignment of Judgment Proceeds to my former law firm. The Judgment has been satisfied and this was addressed in my former screening.
36. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned for lawyer, judicial, or other professional misconduct or been found to have committed such misconduct? If so, give the details and describe any final disposition.  
[Yes and no responses are redacted for all candidates unless there is a public discipline.]
37. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.  
No
38. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.  
Yes, January 2015 to Present \$100,000 per occurrence/ \$300,000 aggregate limit with \$1,000 retention with Attorney Protective.
39. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?  
Yes, I am involved in social media mostly to promote my current law practice. As a Municipal Judge it has never been an issue but if elected to the Circuit Court I would cease all social media as it would no longer be beneficial.
40. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.  
No
41. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.  
No

42. S.C. Code § 8-13-700 provides, in part, that “[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.” Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. Include the disposition, if any, of such charges or allegations.  
None
43. S.C. Code § 8-13-765 provides, in part, that “[n]o person may use government personnel, equipment, materials, or an office building in an election campaign.” Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. Include the disposition, if any, of such charges or allegations.  
None
44. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek.  
None
45. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship.  
None
46. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.  
**Note: Attached are (1) Section 2-19-70(c); (2) JMSC Rule 24, and (3) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.**  
No
47. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? If so, give details. Are you aware of any third parties contacting members of the General Assembly on your behalf? If so, give details.  
No
48. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission’s published screening schedule?  
Yes

49. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.

No

50. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.

No

51. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.

- (a) Charleston County Bar
- (b) Berkeley County Bar
- (c) Dorchester County Bar
- (d) S.C. Bar
- (e) Summary Court Judge's Association

52. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.

- (a) James Island Yacht Club – Resigned membership in 2012

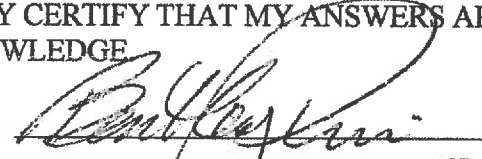
53. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

My entire legal career has been devoted to the trial courts and my wide area of practice in criminal and civil cases at all levels of the court system will enable me to be a fair, courteous, and understanding judge. I understand what the litigants are facing with stressful schedules and deadlines and will do my very best to maintain the humility required to balance a fair but efficient courtroom.


54. List the names, addresses, and telephone numbers of five persons, including your banker, from whom references could be obtained.
- (a) Bart Daniel, Esquire, 7 State St., Charleston, SC, 29401, (843) 722-2000;
  - (b) J. Preston "Pete" Strom, Esquire, 2110 N. Beltline Blvd., Columbia, SC 29204 (803) 252-4800;
  - (c) Cynthia Karst, Sr. Personal Banker NBSC, 337 Folly Rd., Charleston, SC, 29412 (843) 762-9928;
  - (d) O. Grady Query, Esquire, 147 Wappoo Creek Dr., Suite 202, Charleston, SC, 29412 (843) 795-9500
  - (e) Andrew Gilreath, Chief of Police, 106 W. Cooper Ave., Folly Beach SC, 29439 (843) 588-2433
55. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
  - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or
  - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.
- None
56. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.
- None
57. For sitting judges, have you used judicial letterhead or the services of your staff, for which you did not pay, while campaigning for this office?
- I have not.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE

Signature: 

Sworn to before me this 17<sup>th</sup> day of July, 2016

  
(Notary Signature)

Robin H McCain  
(Notary Printed Name)

Notary Public for South Carolina  
My Commission Expires: 3-21-2016